

COMMONWEALTH OF KENTUCKY

Kentucky Department of Education

Consolidated Compliance Plan

For

Non-Discrimination in
The Age Discrimination Act of 1975,
Title II, Title VI and Title IX

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I. Overview of the Kentucky Department of Education

The Kentucky Department of Education (KDE) is a service agency of the Commonwealth of Kentucky. The KDE provides resources and guidance to Kentucky's public schools and districts as they implement the state's P-12 education requirements. The KDE also serves as the state liaison for federal education requirements and funding opportunities.

The KDE is an agency of the state Education and Workforce Development Cabinet. The KDE is led by an appointed Commissioner of Education, who answers to the 11-member Kentucky Board of Education. Offices are administered by associate commissioners, and divisions within those offices are administered by division directors.

The KDE's mission is to prepare all Kentucky students for next-generation learning, work and citizenship by engaging schools, districts, families and communities through excellent leadership, service and support.

The Kentucky Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, or disability in employment or the provision of services.

II. Purpose and/or Mission Statement

No person in Kentucky shall, on the grounds of age, disability, race, color, national origin, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

All recipients of federal assistance through the KDE will certify that they will comply with all federal statutes relating to the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act prohibiting discrimination on the basis of disability; Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; and Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex.

III. Scope of Applicability to Programs and Activities

The KDE affords all individuals the opportunity to benefit from programs administered by the agency and that receive federal funds.

The Age Discrimination Act of 1975 and its implementing regulations prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. This law does permit the use of certain age distinctions and factors other than age that meet the law's requirements.

Title II of the Americans with Disabilities Act and its implementing regulations provide that no person shall be subjected to discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance. The 1994 General Assembly of the Commonwealth of Kentucky enacted

Senate Bill 248 requiring state agencies to develop Title VI implementation plans by January 1, 1995. Presidential Executive Order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally funded activities be accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The KDE ensures that federally assisted programs and activities are provided for all beneficiaries, including those with limited English proficiency.

Title IX of the Education Amendments of 1972 and its implementing regulations provide that no person shall be subjected to discrimination based on sex under any program or activity that receives federal financial assistance.

Recipients of federal funding are prohibited from discriminating on the basis of age, disability, race, color, national origin or sex by:

- denying a person any service, financial aid or benefit extended under a program;
- providing any service, aid or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid or benefits;
- restricting a person in any way from enjoying services, facilities or any other advantage, privilege, property or benefit provided to others under the program;
- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition that people must meet to receive any service, aid or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a recipient or contractor) in a way that is different from that afforded to others in the program; or
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

IV. Responsible Official (Compliance Coordinator)

The Commissioner of the KDE has overall responsibility for compliance with the provisions of the Age Discrimination Act of 1975, Title II, Title VI and Title IX. The day-to-day responsibilities to oversee, implement, monitor, and enforce the KDE Consolidated Compliance Plan is assigned to the Division of Resource Management. Inquiries related to compliance activities should be directed to:

Compliance Coordinator
Rebecca Ogden, Assistant Director
Division of Resource Management
Kentucky Department of Education
500 Mero Street, 16th Floor Capital Plaza Tower
Frankfort, Kentucky 40601
Phone: 502/564-3716 Ext. 4315 Rebecca.ogden@education.ky.gov

V. Statement of Assurances

The KDE complies with the Age Discrimination Act.

The KDE complies with Title II of the Americans with Disabilities Act.

The KDE complies with Title VI of the Civil Rights Action of 1962, the requirements of KRS 344.015 in regard to federal programs, and Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

The KDE complies with Title IX of the Education Amendments of 1972.

All recipients of federal funding through KDE must sign a non-discrimination clause prior to receiving any federal loan, contract, or grant. In signing this clause, the recipient certifies that it will comply with all federal statutes relating to non-discrimination. These include, but are not limited to the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Action of 1964, which prohibits discrimination on the basis of race, color or national origin, and Title IX of the Education Amendments of 1972. A copy of the federal non-discrimination assurances required to be signed by all public Kentucky Public School Districts can be located on KDE's website:

<http://education.ky.gov/districts/fin/Pages/Comprehensive-District-Improvement-Plan-Funding-and-Finance.aspx>

VI. Programs or Activities Subject to Compliance Plan

The KDE receives federal funds from the No Child Left Behind Act (NCLB) of 2001-Elementary and Secondary Education Act of 1965 (ESEA), The McKinney-Vento Homeless Assistance Act, the Carl D. Perkins Applied Technology and Vocation Education Act of 1990, the Individuals with Disabilities Education Act (IDEA), and the American Reinvestment and Recovery Act (ARRA). These programs have various subcategories, which specify funds for particular purposes. The KDE sub-grants federal funds to recipients for the operation of the specific programs.

All recipients of federal funds will be required to comply with the Age Discrimination Act of 1975, Title II, Title VI and Title IX guidelines. Where authorized by federal law, all private schools wishing to participate in these programs are allowed on an equitable basis.

ESEA, Title I, Part A

This is the largest federal program providing funds to local districts through the state department of education. The purpose is to ensure all children have a fair, equal and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and assessments. The funds may be used for a variety of purposes such as salaries for teachers to improve instruction, instructional materials, parent involvement activities and professional development. This program awards funds to all public school districts and beneficiaries include the at-risk students in the districts.

ESEA, Title I, Part A, School Improvement Section G

School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965 are grants to state educational agencies (SEAs). SEAs, in turn make sub grants to local educational agencies (LEAs) that demonstrate the greatest need and the strongest commitment to use the funds to provide adequate, needs-based resources in order to raise the achievement of students in their Priority Schools. The program covers 22 schools in 10 districts and the beneficiaries include all students in the served schools.

ESEA, Title I, Part C, Migrant Education

The purpose of the program is to support high quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves. It serves children of families meeting the statutory definition of migrant and provides supplemental services such as tutoring and health care, which remove barriers to success in school.

ESEA, Title I, Part D, Neglected/Delinquent

The purpose of the program is to improve educational services for children and youth in local and state institutions for neglected or delinquent children and youth, so that such children and youth have the opportunity to meet the same challenging state academic content standards and challenging state student academic achievement standards that all children in the state are expected to meet. These funds may be used for a variety of purposes such as providing students with the knowledge and skills needed to make a successful transition to secondary school completion, vocational or technical training, further education and employment. This program covers all eligible facilities and the beneficiaries include all eligible students in these facilities.

ESEA, Title X, Part C McKinney-Vento Homeless Education

The purpose of the program is to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. Competitive grants to address the needs of homeless students in districts with high poverty and high homeless counts are held every 3 years. This program covers seventeen public school districts and the beneficiaries include homeless students in the districts that receive assistance under the McKinney Vento Homeless Education Act grant. All school districts, regardless of grant distribution, are subject to the requirements of this law.

ESEA, Title II, Part A, Improving Teacher Quality

The KDE assists districts and schools with securing the talents and skills of the highest effective professionals for every classroom, school, and district in Kentucky. The allocations to local districts are designed to:

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) require local educational agencies and schools to be accountable for improvements in student academic achievement.

To date Kentucky has 99% of the educator workforce identified as highly effective. Current work includes the revision of the state Title II Part A plan, creating a comprehensive system to measure teacher effectiveness and building instructional capacity in low to moderately performing schools and districts.

ESEA, Title II, Part B, Math Science Partnerships

This program provides competitive grants for partnerships between high need school districts and higher education institution/s' science, technology, engineering and/or mathematics departments to improve content knowledge and pedagogy in mathematics and/or science. Competitions are held annually and awards are for projects lasting 2-3 years.

ESEA, Title II, Part C, Perkins

The Carl D. Perkins Career and Technical Education Improvement Act is designed to improve and expand services for students enrolled in career and technical education programs. The Act defines career and technical education programs as organized educational activities that offer a sequence of progressive courses composed of both academic and technical content.

Perkins funds are available to all school districts based upon a formula outlined in the law. The sole fiscal agent for Carl D. Perkins funding is KDE's Office of Career and Technical Education.

ESEA, Title III, English Language Acquisition

This program provides a formula grant for the Title III program, "English Language Acquisition, Language Enhancement, and Academic Achievement Act" of NCLB (2001), to help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and achievement standards as all children are expected to meet. The beneficiaries include districts and consortia that meet the eligibility requirements for a subgrant under section 3114(d) (1) to carry out the activities described in Section 3115(e), such as translator services, tutoring, and instructional materials.

Funding is utilized to assist English language learners, via translator services, English as a Second Language classes, tutoring, etc.

ESEA, Title IV, Part B, 21st Century After School Learning Centers

These are competitive grants provided through these funds for local school districts, community and faith-based organizations as well as other qualifying private and governmental organizations to design and implement effective after school programs that improve student achievement.

ESEA, Title VI, Part B, Rural Education Achievement Program

The purpose of the program is to address the unique needs of rural school districts that frequently lack the personnel and resources needed to compete effectively for federal competitive grants, and as a result receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

- Subpart 1 - Small, Rural School Achievement Program - The U.S. Department of Education awards these funds directly to public school districts that qualify. Districts may use the funds for the same purposes found in Title I Part A, Title II Parts A or D, Title III, and Title IV Parts A or B. This program covers ten public school districts and the beneficiaries include all students in these districts.
- Subpart 2 - Rural and Low-Income School Program - These funds are a flow-through to qualifying public school districts. Funds may be used for teacher recruitment and retention, professional development, educational technology, parental involvement

activities, activities authorized under Title I Part A, Title IV Part A and Title III. This program covers 101 public school districts and the beneficiaries include all students in the districts.

ESEA, Advanced Placement Test Fee/Advancement Placement Incentive Program

The Advanced Placement Test Fee program provides awards to enable states to cover all or part of the cost of test fees for students from low-income families who are enrolled in advanced placement classes. The Elementary and Secondary Education Act requires the Secretary to give priority to funding the Advanced Placement Test Fee program, with remaining funds allocated to Advanced Placement Incentive Grants.

The Advanced Placement Incentive program provides grants to eligible entities for activities that increase the participation of students from low-income families in both pre-advanced placement and advanced placement courses and tests, including teacher training and course development, coordination, and articulation.

IDEA Part B Special Education - Grants to States

The purpose of the IDEA is to assist the state and local education agencies in providing special education and related services to all children with disabilities. Funds are used by the state and local educational agencies, in accordance with the IDEA, to help provide the special education and related services needed to make a free appropriate public education available to all eligible children and, in some cases, to provide early intervening services. These are funds for technical assistance (training, supplementary materials for schools) and consultative resources on exceptional children (reading, math, behavioral, areas of disability) to fulfill requirements of the state performance plan.

IDEA Part B Special Education – Preschool Grants

The IDEA provides funds to assist state and local education agencies in providing special education and related services to children with disabilities ages 3 through 5 years, and at a state's discretion, to 2- year- old children with disabilities who will reach age three during the school year. These are funds for identification and services to ensure preschool children with individual education programs (IEPs) demonstrate improved positive social/emotional skills (including relationships) and improved acquisition of knowledge and skills.

National School Lunch Program

This program provides free or reduced breakfast and lunch to students who meet certain income guidelines.

Race To The Top Grants

The purpose of this grant program is to assist states and districts that have made significant progress in improving the equitable distribution of qualified teachers, establishing longitudinal data systems, enhancing the quality of assessments, improving academic content and achievement standards, and providing effective support to schools identified for corrective action and restructuring. States receiving an incentive grant shall use at least 50 percent of their grants to provide school districts with sub-grants based on their most recent relative Title I allocations.

Special Education-Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities

The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with

disabilities by providing technical assistance, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Special Education-State Personnel Development

The purpose of this program is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational and transition services and to improve results for children with disabilities. As used in this program, "personnel" means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

American Recovery and Reinvestment Act (ARRA) Title I, Part A, Section 1003g;

President Obama signed this act into law on February 17, 2009. Kentucky began receiving funds in April 2009. These are one time allocations for the programs listed that are to be used following the guidelines for the specified programs. A quarterly report is submitted to the federal government. The funding is available through September 2013.

VII. Complaint Procedures

Any person alleging discrimination based on disability, race, color, national origin or sex by the KDE or its staff has the right to file a complaint with KDE. The KDE is a conduit for federal money to the local school districts and ensures the local school districts' compliance with federal financial grants; however complaints alleging local school districts or their discrimination based on age, disability, race, color, national origin or sex staff should be directed to the local school district level and handled pursuant to local board policy.

Filing of Complaints

Complaints alleging discrimination under the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964 or Title IX of the Education Amendments of 1972 by the KDE or its staff may be filed with:

Compliance Coordinator
Rebecca Ogden, Assistant Director
Division of Resource Management
Kentucky Department of Education
500 Mero Street, 16th Floor Capital Plaza Tower
Frankfort, Kentucky 40601
Phone: 502/564-3716 Ext. 4315 Rebecca.ogden@education.ky.gov

All complaints must be put into writing. Complaints must be filed within one hundred eighty (180) days of the alleged discrimination and should contain the following information:

- Name, address, and telephone number of the complainant if known;
- The location and name of the entity delivering the federally funded service or benefit;
- The nature of the incident that led the complainant to feel discrimination was a factor;

- The basis of the complaint, (i.e., race, color or national origin);
- Names, addresses and phone numbers of people who may have knowledge of the event;
- The date or dates on which the alleged discriminatory event or events occurred.

Complaint Process

Upon receipt of the complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the Age Discrimination of 1975, Title II, VI or IX, the compliance coordinator shall send an acknowledgement of the complaint and shall investigate the claim. The compliance coordinator will render a determination and recommend specific actions to resolve the complaint within ninety (90) days of receipt. The compliance coordinator shall file a report to the KDE's Office of Guiding Support Services.

Any complaints received by the compliance coordinator will be maintained in a log including date of receipt, determination, and action taken. The complaint log will be retained for a period of no less than four (4) years.

Within thirty (30) days of the completion of the investigation, the complainant shall be notified in writing of the results of the investigation and any actions taken. The KDE shall maintain the confidentiality of the complaint and the name of the complainant.

Any corrective actions shall be implemented within thirty (30) days of receipt and acceptance of a final report by the compliance coordinator.

Withdrawal of Complaint

The complainant may withdraw the complaint at any time during the process by notifying the compliance coordinator in writing.

Appeals

The complainant may file a written appeal of the compliance coordinator's resolution of the complaint within thirty (30) days of receipt of the written notice of resolution. Appeals shall be filed with the KDE's General Counsel, Office of Guiding Support Services, 500 Mero Street, CPT 131, Frankfort, Kentucky 40601. The complainant shall be notified of the final resolution of the appeal within sixty (60) days of the receipt of the appeal. This appeal opportunity constitutes the second and final level in the agency's complaint process.

VIII. Compliance/Noncompliance Reporting

The KDE shall make every effort to regulate, monitor, review and report on the federal programs to assure compliance. Upon receipt of a complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may indicate non-compliance, an investigation will initiated and completed within ninety (90) days. The investigation will include a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the recipient is non-compliant. If there is no basis for the complaint,

the individual and/or program area will be notified of the fact in writing. If there is a basis for the complaint the compliance coordinator shall notify the individual and/or program area in writing of the violation, the corrective action to be taken, and the timetable for the corrective actions to be implemented. Corrective actions must be completed within sixty (60) days of receipt of notice. Employees refusing to voluntarily comply with the Age Discrimination Act of 1975, Title II, VI and Title IX or to comply with the directed corrective actions may face disciplinary action up to and including suspension or termination.

Annually, the compliance coordinator will accumulate all complaints (the Age Discrimination Act of 1975, Title II, Title VI and Title IX) filed during the year for each federal program and will report those to the KDE, Office of Guiding Support Services. The report shall include a summary of the complaint, a description of the process used to evaluate the complaint, the findings, and actions implemented to correct deficiencies.

IX. Agency Training Plan

This Compliance Plan and complaint procedures are disseminated to all employees involved in the federal programs. The KDE informs new employees and contractors of its compliance with all federal laws barring discrimination. All new employees and contractors in the agency receive orientation material regarding discrimination and must certify they will comply with all federal statutes relating to the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

The compliance coordinator is available to answer any questions and to ensure adequate training and understanding.

The KDE provides diversity training. This training may be conducted by a trainer from the Education and Workforce Development Cabinet or completed via an on-line course. Completion of this training is mandatory for all employees, including full-time, part-time, interim and contractors.

The KDE provides sexual harassment training that is mandatory for all full-time, part-time, interim and contractors. This training is completed via an on-line course.

X. Goals and Evaluation Procedures

The KDE is an equal opportunity employer. Employment goals are established in compliance with the Kentucky Board of Education minority employment goal and the state affirmative action plan.

The KDE establishes the following goals:

1. No applicant and/or eligible individual shall be excluded from participation in any covered program or activity on the basis of age, disability, race, color, national origin or sex;
2. No applicant and/or eligible individual shall be denied the benefits of any covered program or activity on the basis of age, disability, race, color, national origin or sex;

3. No applicant and/or eligible individual shall be otherwise subjected to discrimination under any covered program or activity on the basis of age, disability, race, color, national origin or sex; and
4. That substantiated complaints, if any, shall continuously decrease and be resolved to the satisfaction of all parties.

The KDE's internal process to meet the above goals and for ensuring a diverse workforce includes the following:

- Interview panels must contain a minimum of three (3) people, one (1) of whom must be a minority;
- A minimum of three (3) candidates must be interviewed, one (1) of whom must be a minority if qualified and identified.

This process is monitored and enforced by the Division of Resource Management. Bimonthly, the compliance coordinator provides to the Kentucky Board of Education statistical data on employment at the agency.

The KDE attempts to update personnel and contractors on the continual importance of equitable practices that provide equal opportunities and fair and agreeable work environments.

Training for staff is arranged by the Division of Resource Management.

EVALUATION

The KDE shall evaluate and measure its goals in the following manner:

- The compliance coordinator will annually review the Compliance Plan to identify deficiencies and existing needs; will provide updates, corrections, or changes to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 of each year;
- The compliance coordinator will submit a report annually to the KDE, Office of Guiding Support Services on all complaints filed, investigated, substantiated, and resolved by the Department under the Age Discrimination Act of 1975, Titles II, VI and IX;
- The KDE's Compliance Plan will be available to all staff;
- The Division of Resource Management will provide information to all staff regarding discrimination and will incorporate this information in the new employee orientation training.

The federal grants awarded to the Department identify covered program evaluation standards and indicators to be included within the state plans to assess service delivery and consumer satisfaction. Customer satisfaction surveys, on-site monitoring and program evaluations provide tools to assess service delivery consistent with the Age Discrimination Act of 1975, Title II, VI and IX goals.

XI. Public Notice and Outreach

Information regarding the KDE's programs, resources, services, and positions are available to all without regard to age, disability, race, color or national origin at www.education.ky.gov. The KDE's Compliance Plan is also available to all on this site.

Additionally, the Office of Career and Technical Education area technology centers must publish a classified advertisement in a well-circulated newspaper in the service area of the institution. It must affirm their nondiscrimination policy statement and identify their Equal Employment Opportunity coordinator's name, address and telephone number. A brief summary of vocational programs and admission criteria should be included in the announcement.

XII. Recordkeeping and Reporting

Complaints received by the KDE will be handled by the compliance coordinator. Any complaints received by the coordinator will be maintained in a log including date of receipt, determination, and action taken. The complaint log will be retained for a period of no less than four (4) years.

Changes in the Compliance Plan will be provided to all employees including contractors and will be forwarded to the State Auditor. The compliance coordinator will ensure that updates are disseminated to all federal grant coordinators and the coordinators will ensure that all grant recipients have been notified of the Compliance Plan and compliance process.

Each office/division in the KDE maintains a data collection system concerning statistical characteristics of its applicants and beneficiaries of covered programs. Service delivery and outcomes statistics are collected and reported annually to federal oversight agencies. Program audits are conducted by federal regional program coordinators.

Requisite programmatic and statistical records for compilation and reporting under this section shall be maintained by the office/division in the KDE for the time periods required by law or until resolution of a pending complaint or audit initiated during that time period consistent with the provisions of Titles 29 & 34 of the Code of Federal Regulations.

Offices/divisions in the KDE are tasked with collecting data demonstrating the participation of members of protected parties in programs and activities.

XIII. Representation on Agency Board

Pursuant to KRS 156.029, a board appointed by the Governor of the Commonwealth, governs the KDE. The Board consists of eleven (11) members appointed by the Governor, with the president of the Council on Postsecondary Education serving as an ex officio nonvoting member. The current Kentucky Board of Education consists:

- 1- African American Male
- 1- Hispanic or Latino Male

- 5- White Males
- 4- White Females

XIV. Glossary of Terms

Compliance Coordinator: KDE employee designated to coordinate all Age Discrimination, Title II, VI and IX activities of KDE.

Consolidated Compliance Plan: Plan developed and maintained by KDE to ensure compliance with the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and KRS 344.015.

Discrimination: Treatment taken toward or against a person of a certain group in consideration based solely on class or category.

Recipient: Individual or organization for whom federal funds are intended.



Kentucky Department of Education

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the Kentucky Department of Education (KDE). You may send KDE a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item fourteen of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed.

1. Name of person filing this complaint:

Last Name: _____ First Name: _____ Middle Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Work Telephone: _____

E-mail Address: _____

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name: _____ First Name: _____ Middle Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Work Telephone: _____

E-mail Address: _____

3. KDE investigates discrimination complaints against KDE staff and KDE program areas receiving and/or administering funds from the U.S. Department of Education that are subject to the provisions of with Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Please identify the staff member or KDE program area that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of individual: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Program Area (if known): _____

4. The regulations KDE enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

☐ **Discrimination based on race (specify):**

☐ **Discrimination based on color (specify):**

☐ **Discrimination based on national origin (specify):**

☐ **Discrimination based on sex (specify):**

☐ Harassment based on sex (specify):

☐ Discrimination based on disability (specify):

4. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

5. What is the most recent date you were discriminated against?

6. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court: _____

7. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Last Name: _____ First Name: _____ Middle Name: _____

Home Telephone: _____ Work Telephone: _____

8. What would you like the KDE to do as a result of your complaint — what remedy are you seeking?

9. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

(Date) (Signature)

(Date) (Signature of person in Item 2)

Please mail the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help KDE understand your complaint to the Compliance Coordinator.

Compliance Coordinator
Rebecca Ogden, Assistant Director
Division of Resource Management
Kentucky Department of Education
500 Mero Street, 16th Floor Capital Plaza Tower
Frankfort, Kentucky 40601
Phone: 502/564-3716 Ext. 4315
Rebecca.ogden@education.ky.gov

CONSENT FORM- FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): _____

KDE Staff Member and/or KDE Program Area Against Which Complaint is Filed:

Please sign and date section A, section B or section C and return to the address below:

A. I give KDE my consent to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to the KDE staff member and/or program area alleged to have discriminated, as well as other persons and entities, if KDE, in the course of its investigation or for enforcement activities, finds it necessary to do so.

Signature

Date

OR

B. I **do not** give KDE my consent to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed). I understand that KDE may have to close this complaint if KDE is unable to proceed with an investigation without releasing my identity (and/or that of my minor child/ward on whose behalf the complaint is filed).

Signature

Date

C. Alternatively, if you are not filing this complaint on your own behalf or on behalf of your own minor child/ward, you are responsible for obtaining written consent from the person on whose behalf the complaint is filed or, if he or she is a minor, that person's parent/guardian.

I have read this document, and I agree with the person who filed this complaint. I wish you to proceed with KDE's investigation and resolution process. I give my consent for KDE to reveal my identity **(and/or that of my minor child/ward on whose behalf the complaint is filed)** to other persons to the extent necessary for the purpose of resolution or investigation of this complaint.

Name (print or type): _____

Signature

Date